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Heraclitus Ridens,

A T

A DIALOGUE between *JEST* and *EARNEST* Concerning the *TIMES*.

From Tuesday February the 22th. to Saturday the 26th. 170¾.

Jeſt. ONE Hundred Pounds Sterling, *bonæ & legalis Monetæ*! Poor *Nob*'s *Humility Driving* Father, never thought his Thick-headed Son would ever come to be valu'd at ſuch a High Rate. This 'tis to be an Author, a Man may be one day not worth a Groat, and the next, appriz'd at a great Sum; Oh! the Virtues of Pen and Ink, what an Alteration they make in a Man's Circumſtances! Our Friend *Jack*, yeſterday had not money to pay his Reckoning with, and to day has nothing to do but to give his Perſonal Appearance with a Friend of his, and Receive a much greater Sum than he pretends to have given Chancellour *Jefferys* for his Diſcharge.

Earn. It's a great Sign that his Crime is Anſwerable to the Reward that is offer'd for taking him into Cuſtody, and gives Reaſon for me to think that he will ſcarce ſurrender himſelf; for Pecuniary Fines, and Bodily Puniſhments, like thoſe that he has deſerv'd the Inflict on of, will ariſe to a much higher Proportion of Money and Pain, than ſuch a Reward can be reſponſible for. Had he ceas'd to proceed in his Scandal, when he firſt fell under the Diſpleaſure of the Honourable Houſe of Commons, had he ſhew'd himſelf ſenſible of paſt Miſarriages, and not fallen into New, had he demean'd himſelf with that Modeſty as a Delinquent ought to behave himſelf with, and ſurrender'd himſelf into the Hands of the Serjeant at Arms, he might have been Enlarg'd by this time, and without the Apprehenſions which he now carries about him, of a Stone-Dubblet, a *Scotch*-Caſement, and a Whipping-Poſt.

Jeſt. He may thank you for it, who have been always making a Whet-ſtone of him, to ſharpen your Intellects with; you muſt run him into Diſputes, with a Murrain to you, tell the World, That he Preach'd up the Regicides Doctrines; and ſet down for Irrefragable Truth, That *Reſiſting the Ordinances of God, was to receive to himſelf Damnation*; and that *there were Three Eſtates without the Queen*, which the Beef-Eaters laugh'd at his Countryman for, who in his laſt, hearing there was a Proclamation coming out, does not call Her Majeſty *his Queen*, as uſual, but *the Queen*, and *Queen Ann.*

Earn. Truly, Friend *Jeſt*, I thonght it my Duty ſo to do, and had no other Intereſt in view than doing what lay in my Power to ſhew my ſelf an obedient Subject, and a lover of the Family of the *Stuarts*, which I hope may laſt *as long as the Sun and Moon endureth*, notwihſtanding the Wiſhes of ſome pretended Proteſtants to the contrary.

Jeſt. Ay, but how ſhall you and I keep on the Diverſions we deſign'd for the Entertainment of *Heraclitus*, if the main Prop of our Converſation is fallen down? If he that was the Subject of it is Vaniſh'd out of ſight?

Earn. It's impoſſible to want Matter for Diſcourſe, where evil Practices are ſo plenty; where Diſſenters are Caballing and Plotting againſt the Church and State, there will be a Neceſſity for our Enquiry into the Nature of their Proceedings, that we may obviate their Deſigns, and blow 'em up with the ſame Train they have laid for our Deſtruction. Never were our Domeſtick Enemies more buiſy than they are now, never were more Contrivances a-foot to bring in Inteſtine Diſorders, and never ſuch Efforts made againſt the very Being of a Monarchical Conſtitution than at this time. The Enemies of our Peace, are Aiming to bring about Matters of Religion here, as they are now in *Scotland*; have laid Schemes for this purpoſe; and unleſs we lay hold of this Opportunity while we have a Gracious Queen, and a Parliament Affectionate to Her Service, farewel the Eſtabliſh'd Church, and Perſecution upon all it's Adherents.

Jeſt. Come, come, this is *Tantivy* all over; Matters are not ſo bad in *Scotland* as you would have 'em. The Kirk is made National there, and ſo they'll tell you it was before the Act of Uniformity, that brought in the Liturgy, was in Being; beſides, they have this to ſay in their behalf, That if you ſearch into the Plot now a-foot, there are none but Papiſts, Jacobites, and High-Flyers in it.

Earn. All that they ſay is not Goſpel. But ſuppoſe it ſhould be laid at the Diſſenters Door at laſt, and *John Calvin*'s Diſciples be found among the Ringleaders, What will you alledge then?

Jeſt. What ſhould I ſay, but that it was juſt what I expected, and one party ſhuffled it upon t'other, in hopes to defeat all farther enquiries about it?

Earn. To ſay no more of what is under the Cognizance of our Superiors, I grant you, that theſe Ejaculation-Mongers had made it among their *Pacta Conventa* with King *Charles* the 2*d*, That that Prince ſhould Aboliſh Liturgies and Sett Forms of Prayer among 'em; but however, Epiſcopacy was always precedent in that Kingdom to Presbytery, even after

ter the Reformation, which allows that form of Church Government to be moſt Antient and Catholick.

Jeſt. They urge in their Defence, the Religion that leaſt ſavours of Perſecution is the Trueſt; That tho' they are in Power, they make not uſe of it to the Deſtruction of their Chriſtian Brethren, and tho' they make uſe of the Churches to perform Divine Service in, themſelves, they have no Acts of Parliament in force now there, to puniſh thoſe of a contrary Perſwaſion to theirs, but that every one is Tolerated to ſerve God after the Dictates of his Conſcience.

Earn. It's as falſe as are the Opinions they adhere to; I could bring you numberleſs Inſtances to the contrary, but thoſe have been produced elſewhere. I ſhall therefore only produce a Letter from that Kingdom, which being ſent to me, without any Requeſt not to be made publick, was I preſume intended to ſee the Light. What relates to our purpoſe, is as follows; the beginning and ending of the Letter being about Domeſtick Concerns, and private Buſineſs.

Edinborrough, Feb. 1. 1704.

——*And now, Madame, I am to entertain you with a merciful deliverance I met with from a Presbyterian Rable at Hermoſhiels, in Weſt Calder, ten miles from Town, on a Tueſday, being January tenth. A Gentleman Mr. Maſſie, who liues there with his wife and family invited me thither to baptize his Child. But Lo! the Rable, Men and women, in great numbers, and on a ſudden, aſſault the houſe, break open the doors, enter the room where I was, lay violent hands on me, pull me by the Neck and cloaths, hale me down ſtairs, and in the open cloſs, in a cold froſty Day, tear in pieces the good new coat and veſt, as alſo my linnen and flannan ſhirts. And when they had kept me long in this poſture, naked and in the cold air, they draw me to the ſtable, and with many reproachful words and threatenings order my Departure. At laſt, with much Entreaty, Mr. Maſſie is allowed to give me an old coat, they ſaddle my horſe, lead me by the Arms to the gate, mount me, hound their dogs after me, with many houls and Crys, as if I had been an haynous Criminal. But this was not all, they plainly deſigned to murder me 'twixt Towns. And therefore a little from the houſe, I am way-laid, in a narrow paſſage, by another rable of them, where a fellow, with a ſtrong Cudgel, gave my horſe a full ſtroke on the face, while, in the mean time, the reſt falls on me with trees, long poles ſhod with iron, mattocks and ſtones. In this ſad plight, by the providence of God, I got thorow them with my life, having put ſpurs to my horſe. Not far from this, I met a freſh recruit of women with ſtons but had more room to uſe my horſes heels, and come that night home. &c.*

Madame, Your moſt humble Servant and much obliged Friend,

Alexander Burgeſs.

Jeſt. You have made a Convert of me. But you had farther Quotations on the Reſumption of Grants in your laſt, pray favour me with 'em.

Earn. I had 2 or 3 remaining, which are theſe.

King H. 2. That he might ſubſiſt by his own Means, without preſſure of his Subjects, looks to the State, ordering of his Revenues, reforms the Exchequer, and Revokes all ſuch Lands belonging to the *Crown* as had been any way Alienated, or Uſurp'd. *Daniel in Vita* H. 2. pag. 80.

Tacitus declaring how *Vitellius* had torn the Empire in pieces, without any regard had to Poſterity (the Common People flocking about him, and Courting him for his profuſe Gifts) at length adds this; *That ſuch Gifts were always by wiſe Men accounted void, which could neither be given nor receiv'd, without endangering the Commonwealth.* Which very Saying of *Tacitus*, is much commended by *Mariana*, and applied to the vaſt and unbounded Beneficence of *Fridcrick* of *Naples*, who gave away, as *Philip de Comines* relates, not his own Crown Lands only, but other Mens alſo, as his Fancy led him.

Galba made no ſcruple of Revoking Grants of *Nero*, even from thoſe that Purchas'd them, leaving the Tenth Part only unto them, as *Tacitus* and *Plutarch* teſtify. So did *Baſilius*, the *Macedonian* Emperor, recover all that the Emperor *Michael* had given away. The like did *Charles* 8th of *France*, revoke all that *Lewis* the 11th had prodigally given, as *Comines* teſtifies.

Jeſt. By Authorities borrow'd both from our Common Law, and Hiſtory, as well Domeſtick, as Foreign, you have ſufficiently Demonſtrated, That Crown Rights cannot be Alienated, or Seperated from it; Prithee let me hear what the Civilians ſay againſt the Alienation of ſuch Demains, Revenues, and Rights, whereby the Government of Monarchs does wholly ſubſiſt and continue.

Earn. The *Civilians* do Affirm, That a King cannot prejudice his Royal Succeſſors in thoſe Rights that are annex'd to the Crown, they having at the time of their Entry upon the Regal Throne, the whole Rights their Predeceſſors had at their firſt Entries; which Affirmation of theirs, ſhall be made good by the ſubſequent Vouchers.

1. *Non licet principi ſubditos ſuos ad Alterius principis obſequium reducere, nec Succeſſoribus damnum inferre, ſed iiſdem Jura omnia integra relinquere, quæ a Predeceſſoribus acceperat.* Bald. *in prælud. Feudor. & in tit. de pac. Conſtant. v. Succeſſorum. Chop. de Doman.* Franc. *lib* 2 *tit.* 1. *n.* 2. *Dr.* Ducke *de Authorit. Jur. Civil.* Rom. *lib.* 2. *c.* 9. *n.* 5.

2. *Imparatores non poſſunt ex abdicatione ſuæ poteſtatis jus Succeſſorum imminuere.* Bald. *in proæm. D. n.* 32.

3. At a Treaty of Peace, *Preſident Janinus*, the *French* King's Embaſſador was heard to ſay, *Principibus fas non eſſe, in præjudicium Succeſſorum, Res imperii diminuere. D.* 2. *Zouch de judecio inter gentes pars* 2. *ſect.* 8. *pag.* 124. *Edit.* 1650.

4. *Fiſcalium Curam Imperatores & Principes habere debent*, Intereſt enim Reipublicæ, ne fiſcus labeſcat. *Hæc Bona ſiſci eatenus in principis poteſtate non ſunt ut ab eodem alienari, diſtrahi, vel appignorari poſſint. Georgius Braudlacht*, in his Treatiſe Entituled, *Epitome Juriſprudentiæ publicæ Univerſæ*, &c. *lib. 6. cap.* 1. *pag.* 169. *Edit.* 1643.

5. *Biens Rayzes del Reyno*, is Crown Lands in *Spaniſh*, which neither can, nor ought to be Alienated. *Covarr. Verbo Rayzes.*

6. *Eſt hæc pene* (ſays *Arn. Clapmarius*) *communis Juriſconſultorum Sententia, Principem, cum omnia poſſit, Res tamen Imperii abalienare non poſſe, hæc enim non magis quam patrimonia privatorum, exinaniri, aut eviſcerari debent.* Arn. Clapm. *lib.* 5. *cap.* 12. *de Flagitiis Dominationis.*

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